United Nations A/58/PV.83

General Assembly

Fifty-eighth session

Official Records

83rd plenary meeting
Thursday, 8 April 2004, 10 a.m.
New York

President: The Hon. Julian R. Hunte ..... (Saint Lucia)

The meeting was called to order at 10.10 a.m.

Tribute to the memory of His Excellency Mr. Boris Trajkovski, President of the former Yugoslav Republic of Macedonia

The President: This morning, it is our sad duty to pay tribute to the memory of the late President of the former Yugoslav Republic of Macedonia, His Excellency Mr. Boris Trajkovski, who passed away on Thursday, 26 February 2004.

On behalf of the General Assembly, I request the representative of the former Yugoslav Republic of Macedonia to convey our condolences to the Government and the people of the former Yugoslav Republic of Macedonia and to the bereaved family of His Excellency Mr. Boris Trajkovski.

The members of the General Assembly observed a minute of silent prayer or meditation.

The President: I give the floor to the representative of Uganda.

Mr. Butagira (Uganda): I am addressing the Assembly on behalf of the African Group.

We are gathered here today to pay tribute to the memory of the President of the former Yugoslav Republic of Macedonia, His Excellency Boris Trajkovski, and the members of his delegation, who perished in a plane crash. He is remembered for putting in place measures and policies designed to promote harmony among the various ethnic groups that constitute Macedonian society. He also worked tirelessly towards membership of his country in the European Union and NATO, thus promoting international peace, security and economic development.

Death has robbed us of this international statesman at the time when the world needed him most. May God Almighty rest his soul and those of the members of his delegation in eternal peace. Our condolences go to the bereaved families.

The President: I give the floor to the representative of Viet Nam.

Mr. Nguyen Duy Chien (Viet Nam): On behalf of the Asian Group, the delegation of Viet Nam has the honour to pay tribute to the memory of Mr. Boris Trajkovski, the late President of the former Yugoslav Republic of Macedonia, who lost his life in a plane crash more than a month ago.

We would like to extend our deepest condolences and sympathy to the people and the Government of the former Yugoslav Republic of Macedonia. The demise of President Trajkovski is a great loss to the former Yugoslav Republic of Macedonia. The Asian Group shares the pain of the people of the former Yugoslav Republic of Macedonia on the sudden passing of their President.

The President: I now give the floor to the representative of Serbia and Montenegro, who will speak on behalf of the Group of Eastern European States.

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A. Corrections will be issued after the end of the session in a consolidated corrigendum.

04-30437 (E)

Mrs. Ninčić (Serbia and Montenegro): On behalf of the Group of Eastern European States, I would like to extend to the citizens and the Government of Macedonia our deepest and most sincere condolences in the wake of the tragic death of President Boris Trajkovski on 26 February 2004.

President Trajkovski will be remembered as a statesman and patriot who served the interests of his people in an exemplary manner, demonstrating great leadership to preserve unity and consolidate the situation in his country in most difficult circumstances. Guiding the peace process, President Trajkovski was instrumental in the signature and implementation of the Ohrid Agreement, which re-established peace and stability.

He left many friends all over the world, particularly in the region of South-East Europe, which lost a visionary committed to creating a new image of the region, who substantially contributed to the rapprochement among its countries through cooperation and the promotion of tolerance. As a man of peace and dialogue, he was dedicated to the advancement of regional stability and was universally appreciated as one of the most broad-minded leaders in our part of the world. He firmly believed that the Balkans can and has to be a part of a united Europe and a better place where all its citizens can live together in harmony. In the four years he served as President, Boris Trajkovski was a good friend to all countries in the region and an outstanding partner in discussions on Balkan and European issues.

The Group of Eastern European States pays tribute to this courageous politician who fought to ensure that the values of democracy and an open and multi-ethnic society would prevail in his country, bringing it closer to the European Union and other Euro-Atlantic structures.

Boris Trajkovski dedicated his life to the prosperity and well-being of his people. We are convinced that his political legacy will be remembered with gratitude and will be built upon by the future generations of his country.

The President: I call on the representative of the United States of America, who will speak on behalf of the host country.

Mr. Holliday (United States of America): On behalf of the host country, I wish to say that we appreciate this opportunity to pay tribute to the memory of a great leader: the late President of the former Yugoslav Republic of Macedonia, Boris Trajkovski.

President Trajkovski was a close friend of the United States, where he studied theology before he began his political career. He leaves behind a legacy of friendship that has never been closer or stronger. But more important, he was a statesman with vision, who championed tolerance and reconciliation in his country during some of its most perilous moments. During the armed clashes of 2001, the President helped unite his diverse country and prevent an escalation of ethnic conflict as seen elsewhere in the Balkans. He did so by promoting dialogue and inclusion for all the citizens and ethnic groups in the Republic of Macedonia. He was instrumental in the signature and implementation of the Ohrid Agreement, which enshrined these principles and re-established peace and stability.

He often faced intense criticism, but the success of his country and its continued stability and rapid movement towards inclusion in Euro-Atlantic institutions are a lasting testament to his wisdom and foresight. He will be greatly missed, but he leaves behind a nation that is strong and resilient.

I extend my deepest condolences to President Trajkovski's wife, Vilma, his daughter Sara and son Stefan, and other family members and friends. I also extend my sympathies to the people of the Republic of Macedonia, who have lost a great leader but who have gained much through his leadership and who, we trust, will continue on the path of peace, reconciliation and prosperity that he helped lay out for them.

The President: I now give the floor to the representative of the former Yugoslav Republic of Macedonia.

Mr. Nikolov (the former Yugoslav Republic of Macedonia): My delegation would like to express its gratitude for the tributes and condolences expressed by the representatives of the Group of African States, the Group of Asian and the Group of Eastern European States. I would also like to thank the representative of the United, Ambassador Stuart Holliday, who spoke on behalf of the host country.

President Trajkovski was a statesman with a clear European vision for our country and for the region. He was firmly dedicated to a better future for the people of

the Republic of Macedonia and to its integration into the European family. President Trajkovski was a great supporter of the United Nations and the principles of the Charter, especially peace, non-violence and reconciliation. He was also a strong and clear supporter of the work and activities of the United Nations agencies, especially the United Nations Development Programme and UNICEF.

Agenda item 124 (*continued*)

Scale of assessments for the apportionment of the expenses of the United Nations

The President: I should like to invite the attention of the General Assembly to documents A/58/688/Add.4 and Add.5 in which the Secretary-General informs the President of the General Assembly that, since the issuance of his communications contained in documents A/58/688 and Add.1 to Add.3, Kenya and Venezuela have made the necessary payments to reduce their arrears below the amount specified in Article 19 of the Charter.

May I take it that the General Assembly duly takes note of the information contained in those documents?

It was so decided.

Agenda item 8 (*continued*)

Adoption of the agenda and organization of work: request for the inclusion of an additional item

Note by the Secretary-General (A/58/235)

The President: As indicated in his note, the Secretary-General has the honour to request, pursuant to rule 15 of the rules of procedure of the General Assembly, the inclusion in the agenda of the fifty-eighth session of the General Assembly of an additional item entitled "Financing of the United Nations Operation in Côte d'Ivoire".

Owing to the nature of the item, unless there is an objection, may I take it that the General Assembly agrees that the relevant provision of rule 40 of the rules of procedure, which would require a meeting of the General Committee on the question of the inclusion of this item on the agenda, could be waived?

It was so decided.

The President: May I take it that the General Assembly, on the proposal of the Secretary-General, wishes to include in the agenda of the current session an additional item entitled "Financing of the United Nations Operation in Côte d'Ivoire"?

It is was decided.

The President: The item is therefore included as agenda item 167.

In his note, the Secretary-General further requests that the item be allocated to the Fifth Committee. May I take it that the General Assembly, as requested by the Secretary-General, wishes to allocate this item to the Fifth Committee?

It was so decided.

Reports of the Fifth Committee

The President: The General Assembly will consider the reports of the Fifth Committee on agenda items 120, 121, 127, 129, 131 together with 132, 134 and 119.

I request the Rapporteur of the Fifth Committee, Mr. Fouad Rajeh of Saudi Arabia, to introduce in one intervention the reports of the Fifth Committee.

Mr. Rajeh (Saudi Arabia), Rapporteur of the Fifth Committee (*spoke in Arabic*): It is my honour to present to the General Assembly the reports of the Fifth Committee, which include the recommendations on issues requiring further action during the resumed plenary session of the fifty-eighth session of the General Assembly.

The Fifth Committee met from 10 March to 2 April in nine plenary meetings and 20 informal consultations.

Under agenda item 120, entitled "Programme budget for the biennium 2002-2003", the Fifth Committee, in paragraph 6 of its report contained in document A/58/572/Add.2, recommends to the General Assembly the adoption of a draft resolution entitled "Report of the Joint Inspection Unit on support costs related to extrabudgetary activities in organizations of the United Nations system". The Committee adopted the draft resolution without a vote.

Under agenda item 121, entitled "Proposed programme budget for the biennium 2004-2005", the Fifth Committee recommends to the General Assembly,

in paragraphs 10 and 11 of its report contained in document A/58/573/Add.1, the adoption of a draft resolution entitled "Special Court for Sierra Leone" and a draft decision entitled "Capital master plan". The Committee adopted the draft resolution and the draft decision without a vote.

Under agenda item 127, entitled "Human resources management", the Fifth Committee recommends to the General Assembly, in paragraph 9 of its report contained in document A/58/750, the adoption of a draft resolution entitled "Human resources management". The Fifth Committee adopted the draft resolution without a vote.

Under agenda item 129, entitled "Joint Inspection Unit", the Fifth Committee recommends to the General Assembly, in paragraph 6 of its report contained in document A/58/751, the adoption of a draft resolution entitled "Joint Inspection Unit". The Fifth Committee adopted the draft resolution without a vote.

Under agenda items 131 and 132, entitled "Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994" and "Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991", the Fifth Committee recommends to the General Assembly, in paragraph 6 of its report contained in document A/58/752, the adoption of a draft resolution entitled "Review of the Office of the Prosecutor at the International Criminal Tribunal for Rwanda and the International Criminal Tribunal for the Former Yugoslavia". The Fifth Committee adopted the draft resolution without a vote.

Under agenda item 134, entitled "Administrative and budgetary aspects of the financing of the United Nations peacekeeping operations", the Fifth Committee recommends to the General Assembly, in paragraphs 8 and 9 of its report contained in document A/58/582/Add.1, the adoption of a draft resolution entitled "Implementation of paragraph 3 of General Assembly resolution 57/323" and a draft decision entitled "Participation of United Nations Volunteers in peacekeeping operations". The Fifth Committee adopted the draft resolution and the draft decision without a vote.

Under agenda item 119, entitled "Review of the efficiency of the administrative and financial functioning of the United Nations", the Fifth Committee recommends to the General Assembly, in paragraph 7 of its report contained in document A/58/571/Add.2, the adoption of a draft decision entitled "Questions deferred for future consideration". The Fifth Committee adopted the draft decision without a vote.

The President: If there is no proposal under rule 66 of the rules of procedure, I shall take it that the General Assembly decides not to discuss the reports of the Fifth Committee which are before the Assembly today.

It was so decided.

The President: Statements will therefore be limited to explanations of vote. The positions of delegations regarding the recommendations of the Fifth Committee have been made clear in the Committee and are reflected in the relevant official records.

May I remind members that, under paragraph 7 of decision 34/401, the General Assembly agreed that

> "When the same draft resolution is considered in a Main Committee and in plenary meeting, a delegation should, as far as possible, explain its vote only once, that is, either in the Committee or in plenary meeting, unless that delegation's vote in plenary meeting is different from its vote in the Committee."

May I remind delegations that, also in accordance with General Assembly decision 34/401, explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Before we begin to take action on the recommendations contained in the reports of the Fifth Committee, I should like to advise representatives that we are going to proceed to take decisions in the same manner as was done in the Fifth Committee, unless notified otherwise in advance.

I therefore hope that we may proceed to adopt without a vote those recommendations that were adopted without a vote in the Fifth Committee.

Agenda item 120 (*continued*)

Programme budget for the biennium 2002-2003

Report of the Fifth Committee (A/58/572/Add.2)

The President: The Assembly will now take a decision on the draft resolution recommended by the Fifth Committee in paragraph 6 of its report. The draft resolution is entitled "Report of the Joint Inspection Unit on support costs related to extrabudgetary activities in organizations of the United Nations system".

The Fifth Committee adopted the draft resolution without a vote. May I take it that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 58/283).

The President: The Assembly has thus concluded this stage of its consideration of agenda item 120.

Agenda item 121 (*continued*)

Programme budget for the biennium 2004-2005

Report of the Fifth Committee (A/58/573/Add.1)

The President: The Assembly will now take a decision on the draft resolution recommended by the Fifth Committee in paragraph 10 of its report and on the draft decision recommended by the Committee in paragraph 11 of the same report.

We turn first to the draft resolution, entitled "Special Court for Sierra Leone". The Fifth Committee adopted the draft resolution without a vote. May I take it that the General Assembly wishes to do the same?

The draft resolution was adopted (resolution 58/284).

The President: We next turn to the draft decision, entitled "Capital master plan". The Fifth Committee adopted the draft decision without a vote. May I take it that the Assembly wishes to do likewise?

The draft decision was adopted (decision 58/566).

The President: The Assembly has thus concluded this stage of its consideration of agenda item 121.

Agenda item 127

Human resources management

Report of the Fifth Committee (A/58/750)

The President: The Assembly will now take a decision on the draft resolution recommended by the Fifth Committee in paragraph 9 of its report. I now call on the representative of Saudi Arabia, who wishes to speak in explanation of position before action is taken on the draft resolution.

Mr. Shobokshi (Saudi Arabia) (*spoke in Arabic*): Allow me to thank the members of the Bureau of the Fifth Committee and Mr. Harold Agyeman, who coordinated efforts on the draft resolution under discussion today. I express my appreciation for his commitment and wise leadership as he conducted consultations on the sensitive concept of domestic partnership, or same-sex marriage.

Same-sex marriage is a taboo in all religions. It is a grave sin and a great mistake to believe that the ultimate goal in life is to satisfy one's desires, because such a belief marginalizes the role of religion in one's life and alienates one from the commonly agreed principles of societies. Such a belief gives free rein to the concept of individual freedom. Satisfying needs, even instincts, leads us to violate all sacred thought. Such extreme thinking alters societal concepts and human relations, runs counter to common sense and the requirements of coexistence and threatens the family unit.

My delegation strived to reach consensus in the Fifth Committee, prompted by a desire not to obstruct the work of the Committee. The Kingdom of Saudi Arabia would like to place on record its understanding of the concept of marriage, which can be only a contract between a man and a woman. That concept, shared by most countries, is consistent with holy religions and underpins humankind's dignity.

The Kingdom of Saudi Arabia would like to place on record that all interpretation of operative paragraph 1 of the draft resolution should be compatible with the spirit of the United Nations Charter with respect to the traditional concept of the

family, and should be in accordance with regulation 12.3 of the Staff Regulations and Rules.

The President: The Assembly will now take a decision on the draft resolution recommended by the Fifth Committee in paragraph 9 of its report (A/58/750).

The Fifth Committee adopted the resolution without a vote. May I take it that the Assembly wishes to do likewise?

The draft resolution was adopted (resolution 58/285).

The President: I shall now call on those representatives who wish to speak in explanation of position on the resolution just adopted.

Mr. Elnaggar (Egypt) (*spoke in Arabic*): In keeping with our position, which we made clear during the discussion of agenda item 127, "Human resources management", in formal and informal meetings of the Fifth Committee, the delegation of Egypt would like to state the following points.

First, the resolution the Assembly has just adopted reflects the positive, constructive spirit that should prevail among Member States in addressing the real and legitimate concerns of a sizeable number of Member States, regardless of their positions on a specific issue.

Second, in adopting this resolution, the General Assembly wishes to reaffirm its mandate and its ability to assume the role entrusted to it and wishes to prevent any attempt to bypass the Assembly.

Third, the Secretary-General's bulletin referred to in the resolution (ST/SGB/2004/4) has caused dismay among many countries of various religious and cultural traditions. The cause of dismay is that the bulletin contains concepts and terms not in conformity with the Staff Regulations and Rules or with the terms they use to define spouses and the family in the traditional manner to which we are accustomed.

Fourth, the resolution the Assembly has just adopted is clear and categorical and leaves no room for doubt or misinterpretation with respect to its rejection of any newly coined terms that run counter to that consensus. The General Assembly has requested that the Security-General's bulletin be reissued, taking into consideration the genuine concerns expressed by Member States. The bulletin's contents are to be carefully reviewed in order to bring them into conformity with the purposes and intentions of the Staff Regulations and Rules. That is a clear demand, which should be implemented faithfully, accurately and promptly.

Fifth, any amendments to the Staff Regulations and Rules should be submitted for the General Assembly's approval, in accordance with the provisions of the Staff Regulations and Rules.

Sixth, all interpretation of the Staff Regulations and Rules should be in conformity with the intentions and purposes of the provisions of the Staff Regulations and Rules. Member States should be informed of such interpretations sufficiently prior to the expected date of entry into force.

Seventh, we hope that paragraphs 2 and 3 of the resolution adopted by the Assembly will be implemented accurately, faithfully and promptly. Further, we underline our intention to follow this matter closely and our readiness to raise this issue again should circumstances so warrant.

Eighth, the General Assembly notes in paragraph 1 a practice employed by the Secretariat when dealing with staff. While we stress the need to refrain from discrimination and double standards when dealing with staff members of varying nationalities, we consider it essential that Member States be informed of all such practices and the basis for them, as well as the means of their implementation, in total transparency, so that we are all able to discuss them and examine their legal, procedural and substantive aspects with a view to the possibility of endorsing some or all of them. We believe that that would be the best way to guarantee the codification of those elements that we agree upon and to prevent a deadlock such as we encountered when the Secretary-General's bulletin was issued. In that context, we request that Member States be given a report on the implementation of such practices in all their aspects so that we can all reconsider them.

Mr. Danesh-Yazdi (Islamic Republic of Iran): My delegation joined the consensus on the resolution just adopted by the General Assembly. I would like, however, to make the following remarks in explanation of my delegation's position on the resolution.

We attach great importance to human resources management as a crucial element of the Organization's ability to deliver its services in an efficient and

effective manner. The United Nations Staff Regulations and Rules, as agreed upon by Member States, govern personnel policy for the staffing and administration of the Secretariat. The legitimacy and credibility of the work of the Secretariat in the administration of personnel matters is dependent on its adherence to the terms and provisions contained in the Staff Regulations and Rules. Clearly, any change or amendment to the Staff Regulations and Rules should be considered by the General Assembly for necessary action; accordingly, any interpretation of their provisions should be consistent with their intent and purposes and should be brought to the attention of Member States regularly.

The contents of bulletin ST/SGB/2004/4, entitled "Family status for purposes of United Nations entitlements", caused serious concern to my delegation. While no decision has been made by the General Assembly to change the scope of the definition of the family for the purposes of entitlements, the contents of that bulletin introduce new terms and concepts that are alien to the letter and spirit of the United Nations Staff Regulations and Rules. More important, the contents of the bulletin are not in conformity with the many references to the terms "husband" and "wife" as specified in the Staff Regulations and Rules. As a matter of consistency with those important Regulations and Rules and as a matter of principle, marriage, which is only between a man and a woman, forms the basis of the institution of the family. Therefore, determining the personal status of the staff members for the purpose of entitlements should not deviate from the letter and spirit of the Staff Regulations and Rules.

In this context, any administrative measure that dilutes or is inconsistent with the principle to which I referred constitutes an amendment to the Staff Regulations and Rules and, therefore, requires consideration and action by the General Assembly. We emphasize that, in reviewing the contents of and reissuing the bulletin, those concerns and views should be given proper attention and full respect by the Secretariat.

The reason for this explanation of position is a sense of moral duty to preserve and strengthen the dignity of the thousands of men and women who, tirelessly and with dedication, perform their duties as members of the Secretariat. We respect all of them and we will continue to do so in the future.

Mr. Chaudhry (Pakistan): My delegation is taking the floor to place on record its position on the draft resolution adopted on item 127, "Human resources management", as contained in document A/58/750.

The delegation of Pakistan regards the institutions of the family and marriage — as a union between a man and a woman — as sacrosanct. We therefore had reservations about the text of the Secretariat bulletin of 20 January 2004, which introduced concepts such as domestic partnerships, on which there is no consensus in the international community. We are pleased that the problem that arose as a result of the issuance of that bulletin has been addressed through a consensus resolution. We joined the consensus on the understanding that the revised bulletin will not contain any controversial or divisive terms which do not enjoy the consensus of the international community and that such controversial terms will not be universalized through administrative measures, such as that bulletin.

The President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 127?

It was so decided.

Agenda item 129

Joint Inspection Unit

Report of the Fifth Committee (A/58/751)

The President: The Assembly will now take a decision on the draft resolution recommended by the Fifth Committee in paragraph 6 of its report.

The Fifth Committee adopted the draft resolution without a vote. May I take it that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 58/286).

The President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 129?

It was so decided.

Agenda items 131 and 132 (*continued*)

Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Report of the Fifth Committee (A/58/752)

The President: The Assembly will now take a decision on the draft resolution recommended by the Fifth Committee in paragraph 6 of its report.

The draft resolution is entitled "Review of the Office of the Prosecutor at the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia".

The Fifth Committee adopted the draft resolution without a vote. May I take it that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 58/287).

The President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda items 131 and 132?

It was so decided.

Agenda item 134 (*continued*)

Administrative and budgetary aspects of the financing of the United Nations peacekeeping operations

Report of the Fifth Committee (A/58/582/Add.1)

The President: The Assembly will now take a decision on the draft resolution recommended by the Fifth Committee in paragraph 8 of its report and on the draft decision recommended by the Committee in paragraph 9 of the same report.

We turn first to the draft resolution entitled "Implementation of paragraph 3 of General Assembly resolution 57/323".

The Fifth Committee adopted the draft resolution without a vote. May I take it that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 58/288).

The President: We next turn to the draft decision entitled "Participation of United Nations Volunteers in peacekeeping operations".

The Fifth Committee adopted the draft decision without a vote. May I take it that the Assembly wishes to do likewise?

The draft decision was adopted (decision 58/567).

The President: The Assembly has thus concluded this stage of its consideration of agenda item 134.

Agenda item 119 (*continued*)

Review of the efficiency of the administrative and financial functioning of the United Nations

Report of the Fifth Committee (A/58/571/Add.2)

The President: The Assembly will now take a decision on the draft decision recommended by the Fifth Committee in paragraph 7 of its report.

The draft decision is entitled "Questions deferred for future consideration". The Fifth Committee adopted the draft decision without a vote. May I take it that the Assembly wishes to do likewise?

The draft decision was adopted (decision 58/564 B).

The President: The Assembly has thus concluded this stage of its consideration of agenda item 119.

The meeting rose at 11.05 a.m.